Mr. M. I. Paul *(Narakkal)*: I may be allowed to make a correction. The day was not yesterday; it was on the day before yesterday.

Mr. President: But how can it be a matter of public importance. You are speaking about the arrest made and how is it a matter of urgent public importance.

മിസ്റ്റർ എം. ഐ പോൾ : സർ, പാലിയം റോഡ് ഒരു സ്ഥലമായി നിലനിൽക്കുന്നതാണെന്ന്.....

Mr. President: We are not going to the general aspect of the case. What has actually happened.

മിസ്റ്റർ എം. ഐ. പോൾ: മിനിഞ്ഞാന്ന് അവിടെ ചിലരെ പോലീസ് അറസ്റ്റ് ചെയ്തു എന്നും ഏതാനും ചില സത്യാഗ്രഹികളെ പോലീസ് കഠിനമായി മർദ്ദിച്ചു എന്നും ഇവിടെ റിപ്പോർട്ട് കിട്ടിട്ടുണ്ട്. ഗവൺമെന്റ് അവിടെ പട്ടാളത്തെ സജ്ജീകരിച്ചിട്ടുണ്ട്. പല ഭാഗങ്ങളിൽനിന്നും ജാഥകൾ വന്നുകൊണ്ടിരിക്കുകയും, അവരുടെ ചൂഷണങ്ങൾ നടത്തിക്കൊണ്ടിരിക്കുകയും ചെയ്യുന്നതിനാൽ വീണ്ടും അനിഷ്ടസംഭവങ്ങൾ ഉണ്ടാകുവാൻ ഇടയുള്ളതുകൊണ്ടും ഗവൺമെന്റ് ഈ കാര്യത്തിൽ ഉടനടി ഒരു തീരുമാനം ചെയ്യണം.

മിസ്റ്റർ പ്രസിഡണ്ട്: ഈ അറസ്റ്റിനെക്കുറിച്ച് ഒരു തീരുമാനമെടുക്കണമെന്നോ, അതൊ സത്യാഗ്രഹത്തിന്ന് തീരുമാനമുണ്ടാക്കണമെന്നോ?

മിസ്റ്റർ എം. ഐ. പോൾ: സത്യാഗ്രഹികളുടെ മേൽ ഇങ്ങിനെയുള്ള മർദ്ദനങ്ങൾ മേലിൽ ഇല്ലാതെയാക്കാൻവേണ്ടി ഉടനടി വേണ്ടത്തക്ക നടപടികളെടുക്കേണ്ടതു് അത്യാവശ്യമാണു്. അതിനെക്കുറിച്ചു് ഒരു തീരുമാനം ഉണ്ടാക്കുന്നതിന്നുവേണ്ടിട്ടാണു് ഈ അടിയന്തിരപ്രമേയം കൊണ്ടുവന്നിട്ടുള്ളതു്. ഈ സംഭവം മിനിഞ്ഞാന്നു് അതായതു് ഈ മാസം നാലാം തിയ്യതിയൊ, അഞ്ചാം തിയ്യതിയൊ നടന്നിട്ടുള്ളതാണു്.

Mr. President: The Hon'ble Member is mentioning a specific incident.

റാവുബഹദൂർ ടി. കെ. നായർ: പാലിയം സത്യാഗ്രഹം തുടങ്ങിട്ടു് കുറച്ചുദിവസമായി. അവിടെ നിയമം ലംഘിക്കുന്നവരെ അറസ്റ്റ് ചെയ്യുന്നുണ്ടു്. അവരുടെമേൽ കേസും നടത്തുന്നുണ്ടു്. ഇതിനെസംബന്ധിച്ചു് ഒരു adjournment motion അർഹിക്കുന്നവിധം ഒരു നടപടിയും ഉണ്ടായതായി യാതൊരു വിവരവും കിട്ടീട്ടില്ല. ഇതു് പെട്ടെന്നുണ്ടായിട്ടുള്ള ഒരു സംഭവമല്ല. മിനിഞ്ഞാന്നു് അറസ്റ്റ് നടന്നു എന്നതു് ഒരു സംഭവമാണു്. അതു് പുത്തനല്ല. മിനിഞ്ഞാന്നും, അതിന്നു മുമ്പും അറസ്റ്റുകളും നടന്നിട്ടുണ്ടു്.

Mr. M. I. Paul *(Narakkal)*: I have received a telegram regarding the arrest and violence made on the Paliam Sathyagrahis. The Telegram is this. "Paliam Sathyagrahi persons continuously arrested and one Pulaya Sathyagrahi publicly beaten by Police. Move adjournment motion".

Mr. President: I think that this matter has not got such public importance as to become the subject-matter of an adjournment motion.

3. Point of order—*(cont.)*

Mr. President: About the point raised by the Hon'ble Leader of the Opposition yesterday about the discussion of non-official business on official days I request the Hon'ble Constitutional Adviser to elucidate the point now.

***Mr. M. Sivarama Menon** *(Constitutional Adviser)*: Sir, the question is whether under S. O. No. 6 any non-official business can be transacted on a day on which Government business has precedence. My opinion is that it cannot be done unless Government waive their right to precedence of their business on the day or days appointed for Government business under S. O. No. 6.

In the instant case, Government have not waived their right to precedence and therefore the motion cannot be discussed on days allotted for Government business. The proposition that even if Government waives their right to precedence for Government business on any particular day, no non-official motion for the discussion of which there is "a sufficient volume of demand from the Hon'ble Members whether supporters or opponents of Government" is not acceptable in the light of parliamentary practice.

* Speech is not corrected by the Hon'ble member.

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[Mr. M. Sivarama Menon].

Standing Order No. 3 of the House of Commons shows that precedence is given to Government Business on certain days. Yet it is stated at page 285, paragraph 5, of May's Parliamentary Practice as follows.—

"In a minor degree, but still often unavoidably, the Government in most sessions find themselves bound to provide time for the discussion of subjects, for raising which a sufficient volume of demand is forthcoming from Members, whether supporters or opponents of the Government. Such matters are generally brought forward by substantive motions, moved by private Members and granted precedence by the Government, if an expression of opinion by means of a vote of the House is required".

This is based upon the principle that there is no bar to Government waiving a right conferred upon them by way of precedence for their business.

Rule 17 of the Madras Assembly Rules also recognises this principle. It is as follows.—

"On Wednesdays, except Wednesdays during the period of the discussion of the budget, non-official business shall have precedence. On all other days, no business other than Government business shall be transacted except with the consent of the leader of the House given on behalf of Government:

Provided that on a motion made by a member of Government "for the suspension of this rule, the Assembly may resolve to transact Government business on Wednesdays other than Wednesdays during the period of the discussion of the budget".

There may be matters of such paramount importance raised by a member of the House requiring immediate consideration in public interests backed by a large volume of opinion. In such cases it is for Government to consider whether they should forego the precdence for the discussion of the matter raised by the non-officials. The right of waiver is therefore necessary in public interests.

In the case of the motion in question Government are not prepared to waive their rights to precedence conferred by S. O. No. 6.

S. O. No. 6 has been interpreted in this House to mean that without the concurrence of the non-officials, no Government business can be transacted on a day set apart for non-official business. The same interpretation must hold good in respect of days set apart for Government business as well. On the 4th of Makaram 1120, two Bills were proposed to be taken up for final reading on a non-official day. This was not allowed by the President in view of the objection taken on the point that a non-official day is not available for official business. The mover sought the permission of the House for the third reading being taken up on the succeeding official day. On 28th Karkadagam 1121 when the final reading of the Sales-tax Bill was proposed to be taken upon the next non-official day, the President sought the consent of the House for it and the House agreed to it.

Therefore the position stands like this. On days set apart for official business official business alone shall have precedence and for days set apart for non-official business non-official business have the precedence. That can be waived by Government if as a matter of fact Government do it in public interest. Similarly if any Government business have to be transacted on non-official days it can only be taken up with the consent of the non-officials. That is the exact position. It is always better that rule is flexibly interpreted in the light of other parliamentary practices also and rules can be worded in a better way so that no other business except the particular business can be transacted on such days. My opinion in this matter is that on an official day non-official business cannot be taken up.

***Mr. P. Govinda Menon** *(Ernakulam)*: May I make one statement. I entirely agree with the very clear exposition of the Standing Orders made by the Hon'ble Constitutional Adviser. In fact his was what I contended on the other day. I said firstly that on a day set apart for official business non-official business cannot be transacted and I only demurred to a certain proposition of the Constitutional Adviser that Government have not the right to waive it. I said that Government alone are not the party interested in the matter. Non-official members also have a voice in it.

Mr. M. Sivarama Menon *(Constitutional Adviser)*: I may submit that the day allotted for Government business is Government time and the day allotted for non-official business is

*Speech not corrected by the Hon'ble Member.

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non-official time. That is the very reason I mentioned it. If all the Government business finishes before the time allotted for Government business non-official business can be taken up. But in all cases precedence will be given for the allotted business.

മിസ്റ്റർ കെ. അയ്യപ്പൻ: രണ്ടുകൂട്ടരുടേയും position വളരെ വ്യത്യാസമുണ്ട്. രണ്ടു പേരും യോജിക്കുന്നില്ല.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: അതാണ് ഞാൻ പറയാതിരിക്കാൻ കാരണം. അതാണ് ഞാൻ proceedings മുഴുവൻ നോക്കീട്ട് ഇതിനെപ്പറ്റി പറയാമെന്ന് വിചാരിച്ചത്.

***Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri)*: Sir, listening to what took place yesterday I find that a crop of points of order are in store for us and before we dispose of this question whether on this day or yesterday, which is completely set apart for official business, whether this non-official motion of my friend could be discussed. We had heard Sir, the Constitutional Adviser as solicited by you yesterday but you are about to give your ruling. But I place Sir, another point, relating to this motion namely the motion as it does, being one demanding the resignation of my esteemed friend Mr. P. Govinda Menon who has been elected unanimously by this House to represent Cochin in the Constituent Assembly. Such a vitally important matter is now sought to be discussed in this Council. The attempt was to see that it is not done to the prejudice of official business enumerated yesterday with so many items of supplementary demands and more items of legislative business. Now I am on a more fundamental thing Sir, whether this question of expressing want of confidence in one who is now representing Cochin in the Constituent Assembly as nominated by His Highness based upon an election conducted by this House which election is again based upon a notification pertaining to that subject issued by His Highness on a particular day. The election process being like that the process of undoing that of course is the net result. I am sure if a motion like the one which is proposed to be discussed.....

Mr. P. Govinda Menon *(Ernakulam)*: Reference should be made on the point of order alone .....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I am on my legs Sir, I won't give way. ....

Mr. President: Order.

Mr. P. Govinda Menon *(Ernakulam)*: I submit Sir, any discussion on any matter other than a purely constitutional point raised is a most undeserved, unfair and undignified way of doing things.

Mr. President: That is what I stated to the Hon'ble Member to state his point of order.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: I was stating the point of order. If fortunately or unfortunately this motion is passed certain other things will follow. I am on that question namely, whether an election conducted under the circumstances mentioned by my friend.....

Mr. P. Govinda Menon *(Ernakulam)*: It has no reference to the point of order.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: You are making the mistake of your life. I am not here to obey according to the dictations of my esteemed friend.

Mr. President: The Hon'ble Member is raising a point of order. I would like to know definitely, and briefly what the point of order is.

***Mr. P. Govinda Menon** *(Ernakulam)*: I most respectfully submit to this House that this is not a point of order that is required from him but some remarks on the point of order raised.

Mr. President: He said that there is another point of order that he is going to raise. Anyway I have allowed him to raise a point of order.

Mr. P. Govinda Menon *(Ernakulam)*: I thought you allowed him to speak on the point of order. May I respectfully submit to the speaker that it is on a subject matter for discussion. The resolution is not in the Agenda now. The only question the President now called is a reference to the point of order which is scheduled to be debated to-day, and you cannot allow any subject at any time. The resolution of Mr. P. Narayana Menon is not under discussion and is not on the Agenda, and Sir, you cannot allow a point of order on that matter. A point of order must have some relation to the subject matter under discussion.

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*Speech not corrected by the Hon'ble Member.

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Mr. President: His point of order has got relation with the subject matter.

Mr. P. Govinda Menon *(Ernakulam)*: It is the opinion of the Constitutional Adviser on the point of order raised yesterday, that you are in doubt as to how to give a ruling on the point of order. I suggested that the expert opinion of the Constitutional Adviser may be taken in open House and accordingly when question hours are over, you asked the Constitutional Adviser to express his opinion, on the point of order raised, and that point of order alone is now the subject-matter under discussion. I most respectfully submit Sir, that you cannot allow any member of this House for another point of order on a subject matter which is not under discussion now.

Mr. P. Kumaran Ezhuthassan *(Vadakkacheri)*: On the point of order that I wanted to raise, which I am objected to raise, I continue and submit Sir, in spite of the protest touchingly made.....

Mr. P. Govinda Menon *(Ernakulam)*: Sir, I wish to get a ruling whether the President is allowing the Hon'ble Member to raise a point of order.

Mr. President: A point of order was raised by the Hon'ble Member yesterday. That is the subject matter upon which the Constitutional Adviser made the statement. No decision has been given about it.

Mr. P.Govinda Menon *(Ernakulam)*: The only matter now in the House about the point of order is this. If you are allowing a point of order on this subject, I want to raise a point of order on the Public Health Bill.

Mr. President: I would have been very glad if another member rises in his seat and say that he wants a point of order. Because when a point of order is raised, some decision has to be given on that point of order. But when a point is raised, if another member is rising in his seat, I have no objection.

Mr. P. Govinda Menon *(Ernakulam)*: I think he is having his remarks.

Mr. President: I was trying to follow what he was speaking, and I was waiting to see what exactly comes out of his speech, and now it is clear that it is a different point of order. That has been objected to by the Hon'ble Member, the Leader of the Opposition. I think the objection should be accepted. Let me give my decision. I think that the House will rightly understand, that when an Hon'ble Member rose and began to speak and actually spoke for a few minutes it was allowed. I also took that and you tolerated or allowed it—that is over. But any way the moment another Hon'ble Member raises an objection and brings it to my notice that it is not a correct procedure I am bound to listen to it and therefore in the face of the objection that has been raised my ruling upon the point of order that has been elucidated by the Constitutional Adviser must be given.

I think in the very clear and able elucidation that has been given by the Constitutional Adviser that this motion cannot find a place on the list of business allotted for official business. I am of opinion that it has been wrongly entered there because there is the provision that at all time Government business shall have precedence. But of course I want to make it clear. Does it mean that it excludes entirely a non-official business on an official day, or official business be given precedence on a non-official day.

Mr. M. Sivarama Menon *(Constitutional Adviser)*: If all the Government business are concluded earlier, then of course, other non-official business can come in and non-official business can be brought in in the midst of official business only if the Government gives way.

Mr. President: That is clear. Therefore this motion cannot be moved on days set apart for official business. I am glad that a point has been raised, because it has cleared the situation, and it helps for the future guidance also. I think this is one of the rare occasions that such a point of order came and therefore on that point I must give my ruling, *viz.*, that the motion cannot find a place in the list of business allotted for official business.

*Mr. P. Kumaran Ezhuthassan *(Vadakkacheri)*: Sir, I am on a point of order now on an item that appeared in yesterday's Agenda about a motion by Mr. P. Narayana Menon.

Mr. President: I am listening to your speech.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri)*: Can I continue Sir. Now that the Chair has been pleased to dispose of a point of order that was raised yesterday with regard to

*Speech not corrected by the Hon'ble Member.

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that motion and therefore this House, according to me, is not in season of that motion, which according to your ruling can be discussed not on an official day, but on a day different from that, I raise this point of order. Whether this question has ever been discussed in this House whether it be on an official day or non-official day.....

Mr. P. Govinda Menon *(Ernakulam):* I most respectfully submit Sir, that any reference.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Can two persons be in possession of the House.....

Mr. P. Govinda Menon *(Ernakulam):* I most respectfully submit Sir, that any reference.....

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I protest against standing like this. The Parliamentary Rules are to the effect that when a gentleman is on his legs another man should not be allowed to stand up. Either he gives way or the President in exercise of his duty call him to sit down. I will not sit down to give way to any man.

Mr. P. Govinda Menon *(Ernakulam):* I would respectfully submit that the disposal of the point of order yesterday automatically leaves the House to the Agenda before the House.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I was on a point of order and I am raising it. This sort of unauthorised and unparliamentary ways are not going to deter me from my way. I am on a point of order, and the Chair and this House are in season of the ruling on the point of order raised yesterday, and with that pretext I stated my point namely, whether on an official day, or on a non-official day this is discussable. That is the point. I maintain this motion against my statement expressing no-confidence and demanding his reasoning is not discussable in this House.

Mr. President: The point of order is whether this motion is discussable at all.

Mr. P. Govinda Menon *(Ernakulam):* May I respectfully submit that under S. O. No. 6 for the non-official days the Diwan after consideration of the spirit of business of the Council shall, at the commencement of each meeting, allot as many days as are in his opinion compatible with public interest for the business of the Non-official Members in the Council. Now it is for the Government to catch hold of this Pandarasavam resolution which no-body wants to take it in their hands.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Pandarasavam will be the result of this resolution.

Mr. President: A motion tabled by an Hon'ble Member must not be characterised by that expression.

Mr. P. Govinda Menon *(Ernakulam):* Sir, that expression has a very dignified meaning.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* According to undignified notions.

Mr. President: What is the point of order ?

Mr. P. Govinda Menon *(Ernakulam):* My point of order is that we may go through the Agenda before the House and the question whether this resolution must be discussed tomorrow must be decided by the Government.

Rao Bahadur T. K. Nayar *(Prime Minister):* I think we will take our dicision.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* What is the decision on my point of order. I want a ruling ; you may give it now or later.

Mr. President: Anything that I have to say, if that point of order is admissible or not.....

മിസ്റ്റർ കെ. അയ്യപ്പൻ: മിസ്റ്റർ എഴത്തച്ഛന്റെ Point of order എങ്ങിനെയാണ് Point of order ഔകുന്നത്. ഇത് എപ്പോഴെങ്കിലും ഡിസ്കസ്സ് ചെയ്യുമോയെന്നാണ് അദ്ദേഹത്തിന്റെ ചോദ്യം. അത് Point of order ഔകുന്നത് എങ്ങിനെയാണ്. There is no point of order at all.

Mr. P. Govinda Menon: *(Ernakulam)* The motion is not under discussion now.

Speeches not corrected by Hon'ble Members.

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മിസ്റ്റർ പി. കുമാരനെഴുത്തച്ഛൻ: ഇതുകൊണ്ടൊന്നും എന്റെ point of order നു് തടസ്സമുണ്ടാവുകയില്ല.

Mr. President: Without raising specifically, there is a point of order raised in relation to this, whether he can raise a point of order like that. In case he can raise a point of order, if I come to that conclusion after impartial consideration that the Hon'ble Member can raise a point of order—if I find that he cannot raise it, that also I would say—I will give a ruling accordingly. We are on an interesting, intricate discussion. One way, we are glad that there are such intricate, interesting legal questions before this House. Whether such a point of order is permissible is a matter which I have to decide and in case it happens that I come to that conclusion I will give my ruling in the light of the facts relevant to the question, if I come to the conclusion that that point of order was correctly and rightly raised, if I think so.....

Mr. K. Ayyappan (*Ezhuvas-Kanayannur*): I raise a point that the Hon'ble Member Mr. Ezhuthassan has not raised a point of order.

Mr. P. Kumaran Ezhuthassan (*Vadakkancheri*): I assert that the Hon'ble ex-Deputy President and ex-Minister is wrong.

Mr. President: Hon'ble Members, please, let us put a stop to this. That question is before my mind and I will examine it. I think I am plain enough.

മിസ്റ്റർ പി. നാരായണമേനോൻ: On a Point of order Sir, എന്റെ റസല്യൂഷൻ പണ്ടാരശവമാണെന്നു പറഞ്ഞതു് un-parlimentary ആണെന്നു് ഞാൻ പരിപൂർണ്ണമായി വിശ്വസിക്കുന്നു. അതിനു മാന്യമായ ഒരു അർത്ഥമുണ്ടെന്നു് പറഞ്ഞതു് എന്താണെന്നു് വ്യാഖ്യാനിക്കുകയൊ, അല്ലാത്തപക്ഷം അതു് പിൻവലിക്കുകയൊ ചെയ്യേണ്ടതാണെന്നു് ഞാൻ അഭ്യർത്ഥിക്കുന്നു.

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ: അതിനു് നല്ല അർത്ഥമുണ്ടു്. അതു വേണമെങ്കിൽ പറയാം. I must be allowed to explain what I meant by പണ്ടാരശവം.

Mr. President: What is the meaning of Pandarasavam (പണ്ടാരശവം.)

മിസ്റ്റർ പി. ഗോവിന്ദമേനോൻ: പണ്ടാരശവം എന്നുവെച്ചാൽ അതിനു രണ്ടു് അർത്ഥമുണ്ടു്. ഒന്നുകിൽ പണ്ടാരവക ശവം, അല്ലെങ്കിൽ ആക്കം വേണ്ടാത്ത ശവം.

Mr. President: In the circumstances in which that expression was used it must be taken to be something that is undesirable, a meaning that is undesirable. There are two meanings, as the Hon'ble Member explained, there are two meanings to that word, but naturally in the circumstances in which it was said, I should think that the second meaning is applicable. The Hon'ble Member will please withdraw the expression.

Mr. P. Govinda Menon (*Ernakulam*): If the Chair thinks so, I am ready. I expressed what I felt. If you mean that it should not be stated within the four corners of the House, I withdraw that expression.

4—Consideration of the report of the Public Accounts Committee

Mr. President: Discussion on the report of Public Accounts Committee will continue.

റാവുബഹദൂർ ടി. കെ. നായർ: സർ, ഇതു് നൂതനമായ ഒരു സംഗതിയായതുകൊണ്ടാണു് ഇത്രയും ബുദ്ധിമുട്ടുവരാൻ കാരണമായിട്ടുള്ളതു്. ഇന്നലെ ഇതിനെ സംബന്ധിച്ചുണ്ടായ ഡിസ്കഷൻ വേളയിൽ ഗവൺമെണ്ടിന്റെ പ്രവർത്തനത്തെപ്പറ്റിയുള്ള രണ്ടുമൂന്നു ഉപദേശങ്ങൾകൂടി തരുകയുണ്ടായി. അതിനെക്കുറിച്ചു പറയുന്നതിനു മുമ്പായി വേറെ ഒരു സംഗതികൂടി ഇവിടെ പറയണ്ടതായിട്ടുണ്ടു്. ൧൯൫൦-ലെ റിപ്പോർട്ടു് ൧൯൫൪-ൽ ആലോചനക്കു കൊണ്ടുവന്നിട്ടുള്ളതിൽ കുറെ താമസം നേരിട്ടിട്ടുണ്ടെന്നു് ഗവൺമെണ്ടിനു സമ്മതിക്കാതെ കഴിയുകയില്ല. മേലാൽ ഈ വിധത്തിലുള്ള താമസം വരാതെ കഴിക്കുവാൻ പ്രത്യേകം ശ്രദ്ധിക്കുന്നതുമാണു്.

Speech not corrected by the Hon'ble Member.

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